



CITY OF PATASKALA BOARD OF ZONING APPEALS

City Hall, Council Chambers
621 West Broad Street
Pataskala, Ohio 43062

STAFF REPORT

May 14, 2024

Variance Application VA-24-004

Applicant:	Todd Ward
Owner:	RRIFI Columbus 44 Land, LLC.
Location:	3000-3007 Etna Parkway, Pataskala, OH 43062 (PID: 064-152862-00.001)
Acreage:	+/- 43.171-acres
Zoning:	PM – Planned Manufacturing
Request:	Requesting a total of three (3) Variances. The first from Section 1253.05(C)(1)(a)(3) to allow for the proposed mounding to be outside the parking setback on Etna Parkway. Second, from Section 1253.05(C)(1)(b)(3) to allow the proposed mounding to be outside the parking setback on Refugee Road, and lastly from Section 1253.05(C)(1)(a)(3) to allow for gap(s) in the mounding along Etna Parkway.

Description of the Request:

Requesting approval of three (3) Variances. The first, to allow for the proposed mounding to be outside the parking setback on Etna Parkway. Second, to allow for the proposed mounding to be outside the parking setback on Refugee Road. Lastly, to allow for gap(s) in the mounding along Etna Parkway.

Staff Summary:

The project site is comprised of one property totaling 43.17 +/- acres currently being used for agriculture and a retention pond used for drainage of Etna Parkway. The property contains several wetlands and an American Electric Power easement along Etna Parkway. There is frontage to the east onto Etna Parkway, and to the south, onto Refugee Road SW.

On April 3, 2024, the Applicant received a recommendation of approval from the Planning and Zoning Commission of a Planned Manufacturing Application to allow for the construction of two (2) warehouse/distribution buildings along with associated site improvements. There were a couple aspects of the plan before the Commission that did not meet the minimum requirements of Pataskala Code, as such, the application was recommended for approval with the following conditions:

1. The Applicant shall address all comments from Planning and Zoning Department, the Public Service Director, the City Engineer, and the West Licking Joint Fire District.
2. The Applicant shall obtain all necessary permits from the City of Pataskala and the Licking County Building Department prior to construction.
3. The Applicant shall obtain a Variance from Sections 1253.05(C)(1)(a)(3) and 1253.05(C)(1)(b)(3) to allow the proposed mounding to be outside the minimum parking setback(s).
4. *The Applicant shall obtain a Variance from Section 1253.05(C)(1)(a)(3) for the gap(s) in the mounding along Etna Parkway, if necessary.*

As proposed, the Applicant's site plan shows two (2) 225,120-square foot warehouse structures, 46'6" in height. There will be three (3) entrances to the site, two (2) automobile-only access points for each structure, and a truck entrance in the middle between the structures. Auto parking will be in the front (east) and truck parking in the rear (west). Perimeter screening will consist of 4-6 foot undulating mounding along Etna Parkway, and 8-10 foot undulating mounding along Refugee Road. No screening is required along the west property line where the property abuts other PM – Planned Manufacturing zoned land.

Pursuant to Section 1253.05(C)(1)(a)(3) of the Pataskala Code, the required mounding and landscape plantings shall be located within the required minimum parking setback, which in this case, along Etna Parkway; is 25-feet. As proposed, the perimeter screening along Etna Parkway is outside the parking setback, ranging from 33.2-feet to 55.7-feet from the property line to the beginning of the mounding. Additionally, the same section requires that the mounding shall be continuous along the property line. The site plan shows that there will be two (2) gaps in the mounding along Etna Parkway. The first, just north of the proposed structures, and the second, at the far north tip of the property where the property line along Etna Parkway and the west side property line meet.

Pursuant to Section 1253.05(C)(1)(b)(3) requires that the mounding and landscape plantings shall be located within the required minimum parking setback from Refugee Road, which is 75-feet. As proposed, the mounding will begin 155-feet from the south property line with frontage on Refugee Road.

Per the Applicant's submitted Narrative Statement, along Etna Parkway there is an AEP Transmission and Distribution easement, which occupies the required minimum parking setback along Etna Parkway, and why they have moved the proposed mounding inwards and outside of the easement. Along Refugee Road, there is an existing City of Pataskala stormwater facility, which occupies the minimum parking setback area. As such, they have requested a Variance to move the mounding back, outside the setback area, between the proposed structures and the existing pond. Regarding the gap in the mounding along Etna Parkway, the Applicant stated that the gap was included as there is an existing wetland area that will be preserved on-site and have provided a mound that "bends" to the west along the north face of the proposed structures to provide screening.

Furthermore, the Applicant believes that the requested Variance(s) are necessary as there are unique physical circumstances that prohibit the property from being developed in strict conformity with Pataskala Code (AEP Easement, City Stormwater Infrastructure, Wetlands). The Applicant believes that the requests will not be detrimental to the public welfare, and that the requested Variance(s) represent the least modification possible to afford relief.

Staff Review: *The following review does not constitute recommendations but merely conclusions and suggestions from staff.*

As mentioned above, there are three (3) Variances required in order to allow for the project to be developed as proposed, and to meet the conditions of approval that the Planning and Zoning Commission placed on the approval of Planned Manufacturing Application PM-24-001. They are as follows:

1. Variance from Section 1253.05(C)(1)(a)(3) to allow for the required mounding to be located outside of the required minimum parking setback along Etna Parkway.
 - a. The required minimum parking setback is 25-feet. Mounding proposed at most, 55.7-feet from the right-of-way.
2. Variance from Section 1253.05(C)(1)(b)(3) to allow for the required mounding to be located outside of the required minimum parking setback along a Collector (Refugee Road).
 - a. The required minimum parking setback is 75-feet. Mounding proposed at 155-feet from the right-of-way.
3. Variance from Section 1253.05(C)(1)(a)(3) to allow for a gap in the mounding when it is required to be continuous.
 - a. Applicant has proposed that the mounding “bend” inwards to the west along the north face of the proposed structure to avoid the wetland area that is to be preserved.

Section 1253.05(D) allows for alternative landscaping that can be used if the required mounding height cannot be met. Specifically, plantings that provide 100% coverage, and/or a wall/fence that is 100% opaque may be utilized so long as such screening does not exceed more than 30% of the required buffer area.

Staff would note that the submitted plans did not show the additional plantings, such as trees, shrubs, etc., required as part of the perimeter screening. These were present on the approved plans for PM-24-001 and are still required pursuant to Section 1253.05(E). A landscaping plan, showing all proposed plantings, will need to be submitted as part of the Construction Plans submittal, if approved.

Other Departments or Agencies

No other comments from applicable Departments or Agencies were received.

Surrounding Area:

Direction	Zoning	Land Use
North	PM – Planned Manufacturing	Illuminate USA Undeveloped
East	PM – Planned Manufacturing	Meyer-Shank Racing Thayer Power & Communication
South	M-1 – Light Manufacturing (Etna Twp.)	Undeveloped
West	PM – Planned Manufacturing	Undeveloped

Variance Requirements:

According to Section 1211.07(1) of the Pataskala Code, the Board of Zoning appeals shall consider the following factors when determining if an area variance is warranted:

- a) *Whether the property in question will yield a reasonable return or if there can be a beneficial use of the property;*
- b) *Whether there are unique physical circumstances or conditions that prohibit the property being developed in strict conformity with the zoning regulation such that a variance is necessary to enable the reasonable use of the property;*
- c) *Whether the variance requested is substantial;*
- d) *Whether the essential character of the neighborhood would be substantially altered or the adjoining properties would suffer a substantial detriment as a result of the variance;*
- e) *Whether the variance, if granted, will substantially or permanently impair the appropriate use or development of adjacent property;*
- f) *Whether the variance, if granted, will be detrimental to the public welfare;*
- g) *Whether the variance, if granted, would adversely affect the delivery of government services;*
- h) *Whether the property owner purchased the subject property with knowledge of the zoning restriction;*
- i) *Whether the property owner's predicament can be obviated through some other method than variance;*
- j) *Whether the variance, if granted, will represent the minimum variance that will afford relief and represent the least modification possible of the requirement at issue; and,*
- k) *Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.*

Furthermore, Section 1211.07(2) allows other factors to be considered, including comments from City staff, when determining if an area variance is warranted. The following factors from Section 1211.07(2) are applicable to Variance Application VA-24-004:

- None.

Department and Agency Review

- Zoning Inspector – No comments.
- Public Service – No comments.
- City Engineer – No comments.
- SWLCWSD– No comments.
- Police Department – No comments.
- West Licking Joint Fire District – No comments.
- Southwest Licking School District – No comments.

Conditions:

Should the Board choose to approve the applicant's request, the following conditions may be considered:

1. Applicant shall obtain all necessary permits from the City of Pataskala and the Licking County Building Code Department within one (1) year of the date of approval.

Resolution:

For your convenience, the following resolution may be considered by the Board of Zoning Appeals when making a motion:

"I move to approve the three (3) Variances from the Pataskala Code for variance application VA-24-004 ("with the following conditions" if conditions are to be placed on the approval)."



CITY OF PATASKALA PLANNING & ZONING DEPARTMENT

621 West Broad Street, Suite 2A
Pataskala, Ohio 43062

VARIANCE APPLICATION

(Pataskala Codified Ordinances Chapter 1211)

Property Information	
Address: 3000-3007 Etna Parkway	
Parcel Number: 6415286200001	
Zoning: PMD	Acres: 43.171
Water Supply:	
<input type="checkbox"/> City of Pataskala	<input checked="" type="checkbox"/> South West Licking
<input type="checkbox"/> On Site	
Wastewater Treatment:	
<input type="checkbox"/> City of Pataskala	<input checked="" type="checkbox"/> South West Licking
<input type="checkbox"/> On Site	

Applicant Information		
Name: Todd Ward		
Address: 1201 Main Street, Suite 2360		
City: Columbia	State: SC	Zip: 29201
Phone: 864.423.1747	Email: tward@redrockdevelopments.com	

Property Owner Information		
Name: RRIFI Columbus 44 Land LLC		
Address: 1201 Main Street, Suite 2360		
City: Columbia	State: SC	Zip: 29201
Phone: 864.423.1747	Email: tward@redrockdevelopments.com	

Variance Information
Request (Include Section of Code): Also see attached Narrative
Request relief from Sections 1253.05(C)(1)(a)(3) and 1253.05(C)(1)(b)(3) to allow the proposed mounding to be outside the minimum parking setback(s). Request relief from Section 1253.05(C)(1)(a)(3) for the gap(s) in the mounding along Etna Parkway.
Describe the Project: Also see attached Narrative
The project consists of 2 speculative industrial buildings. The south side of the site contains a City of Pataskala stormwater facility for Refugee Rd drainage. The Setback, when determined from the Refugee Rd. right-of-way, falls on top of the stormwater facility. The east side of the property along Etna Parkway has AEP distribution lines and transmission lines. The setback, when determined from the Etna Parkway right-of-way, falls within AEP right-of-way. Additionally, at the north side of the side, a wetland is present so the mounding is bend around the building to avoid both the AEP right-of-way and the wetland.

Staff Use
Application Number: VA-24-004
Fee: 300
Filing Date: 4-12-24
Hearing Date: 5-14-24
Receipt Number: 001546

Documents
<input checked="" type="checkbox"/> Application
<input checked="" type="checkbox"/> Fee
<input checked="" type="checkbox"/> Narrative
<input checked="" type="checkbox"/> Site Plan
<input checked="" type="checkbox"/> Deed
<input checked="" type="checkbox"/> Area Map

Documents to Submit

Variance Application: Submit 1 copy of the variance application.

Narrative Statement: Submit 1 copy of a narrative statement explaining the following:

- The reason the variance is necessary
- The specific reasons why the variance is justified as it pertains to Section 1211.07 of the Pataskala Code:
 - a) *Whether the property in question will yield a reasonable return or if there can be a beneficial use of the property without the variance;*
 - b) *Whether there are unique physical circumstances or conditions that prohibit the property from being developed in strict conformity with the zoning regulation such that a variance is necessary to enable the reasonable use of the property;*
 - c) *Whether the variance requested is substantial;*
 - d) *Whether the essential character of the neighborhood would be substantially altered or adjoining properties would suffer a substantial detriment as a result of the variance;*
 - e) *Whether the variance, if granted, will substantially or permanently impair the appropriate use or development of adjacent property;*
 - f) *Whether the variance, if granted, will be detrimental to the public welfare;*
 - g) *Whether the variance, if granted, would adversely affect the delivery of governmental services;*
 - h) *Whether the property owner purchased the subject property with knowledge of the zoning restriction;*
 - i) *Whether the property owner's predicament can be obviated through some other method than variance;*
 - j) *Whether the variance, if granted, will represent the minimum variance that will afford relief and represent the least modification possible of the requirement at issue; and,*
 - k) *Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.*
- A use variance must also meet the requirements described in Section 1211.07(B) of the Pataskala Code.

Site Plan: Submit 1 copy (unless otherwise directed by staff) of a site plan to scale of the subject property indicating the following:

- All property lines and dimensions
- Location and dimensions of all existing and proposed buildings and structures.
- Setbacks from property lines for all existing and proposed buildings, structures and additions
- Easements and rights-of-way
- Driveways
- Floodplain areas
- Location of existing wells and septic/aerator systems.
- Any other information deemed necessary for the variance request

Deed: Provide a copy of the deed for the property with any deed restrictions. Deeds can be obtained from the Licking County Recorder's website here: <https://apps.lcounty.com/recorder/recording-search/>

Area Map: Submit 1 copy of an area map showing the property and the surrounding area. Area maps can be obtained from the Licking County Auditor's website here: <https://www.lickingcountyohio.us/>

Signatures

I certify the facts, statements and information provided on and attached to this application are true and correct to the best of my knowledge. Also, I authorize City of Pataskala staff to conduct site visits and photograph the property as necessary as it pertains to this variance request.

Applicant (Required):

Date:

4/12/24

Property Owner (Required):

Date:

4/12/24

Variance Narrative for RRIFI Columbus 44 Land LLC

April 12, 2024

Reason For Variances

1. Mounding Not Within Minimum Parking Setback

- a. **Etna Parkway Section 1253.05(C)(1)(a)(3):** AEP has both Transmission and Distribution lines along Etna Parkway. When the minimum setback is determined from the Etna Parkway right-of-way, the minimum setback falls within the AEP right-of-way. We are proposing the mounding be placed behind the AEP right-of-way to meet the intent of the Ordinance.
- b. **Refuge Road Section 1253.05(C)(1)(b)(3):** The City of Pataskala has a stormwater facility for Refuge Road drainage. When the minimum setback is determined from the Refuge Road right-of-way, the minimum setback falls within the stormwater facility. We are proposing that the mounding be placed behind the stormwater facility to meet the intent of the Ordinance.

2. Gap in the Mounding

- a. **Etna Parkway 1253.05(C)(1)(a)(3):** The gap in the mounding is to prevent a secondary impact to the wetland that was delineated and is being preserved onsite. We are proposing that the mounding be bent around the building to provide the intended screening and aesthetically pleasing site line without impacting the wetland. The mounding does pick back up on the north side of the wetland to continue adjacent to Etna Parkway to meet the intent of the Ordinance.

Specific Reasons Why The Variance Is Justified

- a. The City has identified the site to be within the Pataskala Corporate Park. The Pataskala Corporate Park properties are in the Planned Manufacturing District. As shown above, the property cannot meet the mounding requirements and thus, without the Variances, the property will remain undeveloped and the Vision of the Pataskala Corporate Park cannot be realized.
- b. Unique physical circumstances and conditions are present on the site that prohibit the property from being developed in strict conformity with the zoning regulation such that the variances are necessary to enable the reasonable use of the property. Those conditions and circumstance are a City of Pataskala stormwater facility, AEP right-of-way, and a wetland which are described in more detail under “Reason for Variance” above.
- c. The Variances requested appear at first to be substantial; however, since the mounding is being placed as close to the required minimum setback as possible and as such, are not substantial.
- d. The essential character of the neighborhood will not be substantially altered, and adjoining properties will not suffer a detriment as a result of the Variances since the mounding will be installed and the intent of the Ordinance will be met.

- e. The Variances will not substantially or permanently impair the appropriate use or development of the adjacent property because all modifications to the mounding will be on site.
- f. The Variance will not be detrimental to the public welfare since the intent of the Ordinance will be met.
- g. The Variances will not affect the delivery of governmental services since the request is to not impact governmental services.
- h. The property was purchased under the prior PMD zoning district.
- i. The owner's predicament cannot be obviated through another method.
- j. The Variances requested represent the minimum variances that will afford relief and represents the least modification possible of the mounding requirements.
- k. The spirit and intent of the Ordinance requirements will be observed, and substantial justice done by granting the variances since the site cannot be developed without the Variances.

SITE DATA

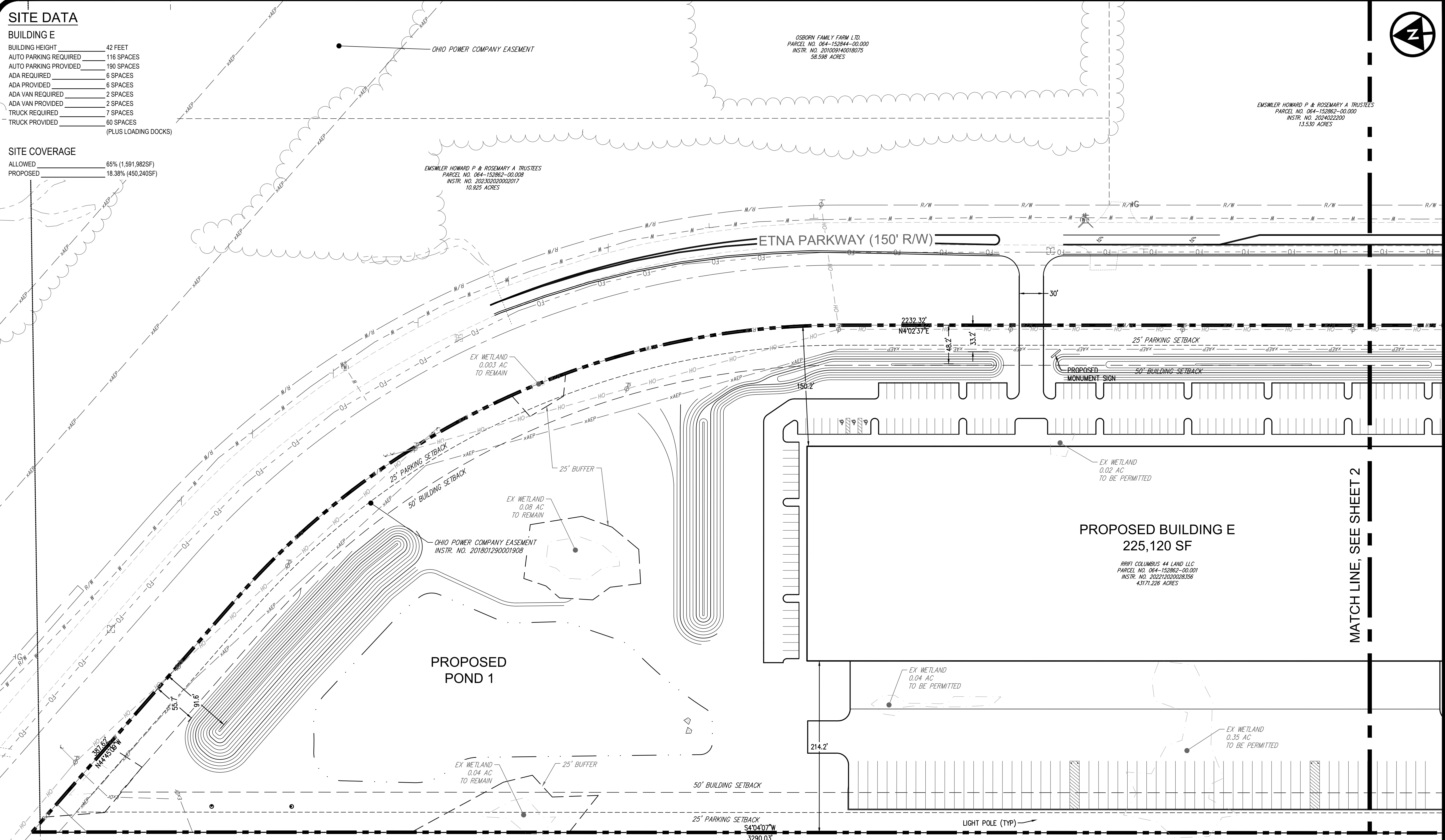
BUILDING E

BUILDING HEIGHT	42 FEET
AUTO PARKING REQUIRED	116 SPACES
AUTO PARKING PROVIDED	190 SPACES
ADA REQUIRED	6 SPACES
ADA PROVIDED	6 SPACES
ADA VAN REQUIRED	2 SPACES
ADA VAN PROVIDED	2 SPACES
TRUCK REQUIRED	7 SPACES
TRUCK PROVIDED	60 SPACES

(PLUS LOADING DOCKS)

SITE COVERAGE

ALLOWED	65% (1,591,982SF)
PROPOSED	18.38% (450,240SF)



OSBORN FAMILY FARM LTD.
PARCEL NO. 064-152844-00.000
INSTR. NO. 201009140018075
58.598 ACRES

EMSWILER HOWARD P & ROSEMARY A TRUSTEES
PARCEL NO. 064-152862-00.000
INSTR. NO. 2024022200
13.530 ACRES

EMSWILER HOWARD P & ROSEMARY A TRUSTEES
PARCEL NO. 064-152862-00.008
INSTR. NO. 202302020002017
10.925 ACRES

OHIO POWER COMPANY EASEMENT
INSTR. NO. 201801290001908

RRF1 COLUMBUS 44 LAND LLC
PARCEL NO. 064-152862-00.001
INSTR. NO. 202212020028356
43171.228 ACRES

MICROSOFT CORPORATION
PARCEL NO. 064-152778-00.000
INSTR. NO. 202310310020033
100 ACRES

THIS SITE WILL BE DESIGNED IN ACCORDANCE WITH THE CURRENT CITY OF COLUMBUS STORMWATER DRAINAGE MANUAL.

NOTE: THE STORMWATER MANAGEMENT REPORT AND CALCULATIONS WILL BE REVIEWED AND APPROVED AS PART OF THE CONSTRUCTION PLAN PROCESS

NOTE: TRASH RECEPTACLES WILL BE PROVIDED ONSITE PER TENANT SPECIFIC REQUIREMENTS AND SCREENING SHALL BE PROVIDED IN COMPLIANCE WITH SECTION 1253.06. LOCATION AND SCREENING DETAILS WILL BE FINALIZED WITH THE ZONING PERMIT.



DESIGNED BY:	AES
DRAWN BY:	VRM
CHECKED BY:	AES
PROJECT NO.:	17038

CITY OF PATASKALA ~ LICKING COUNTY ~ OHIO
RED CHIP 2B
PMD ZONNING PLAN
VARIANCE EXHIBIT

APPLICATION NO.:	
DATE:	2024.04.12
SCALE:	1" = 60'
SHEET:	1

Z:\project\files\pa-z\redchip\17038 - red chip farms llc - bldgs e & f\variance\17038_variance.exhibiting

SITE DATA

PARKING - BUILDING F

BUILDING HEIGHT	42 FEET
AUTO PARKING REQUIRED	116 SPACES
AUTO PARKING PROVIDED	206 SPACES
ADA REQUIRED	7 SPACES
ADA PROVIDED	7 SPACES
ADA VAN REQUIRED	2 SPACES
ADA VAN PROVIDED	2 SPACES
TRUCK REQUIRED	7 SPACES
TRUCK PROVIDED	60 SPACES
(PLUS LOADING DOCKS)	

SITE COVERAGE

ALLOWED	65% (1,591,982SF)
PROPOSED	18.38% (450,240SF)

NOTE: TRASH RECEPTACLES WILL BE PROVIDED ONSITE PER TENANT SPECIFIC REQUIREMENTS AND SCREENING SHALL BE PROVIDED IN COMPLIANCE WITH SECTION 1253.06. LOCATION AND SCREENING DETAILS WILL BE FINALIZED WITH THE ZONING PERMIT.

NOTE: THE STORMWATER MANAGEMENT REPORT AND CALCULATIONS WILL BE REVIEWED AND APPROVED AS PART OF THE CONSTRUCTION PLAN PROCESS

THIS SITE WILL BE DESIGNED IN ACCORDANCE WITH THE CURRENT CITY OF COLUMBUS STORMWATER DRAINAGE MANUAL.

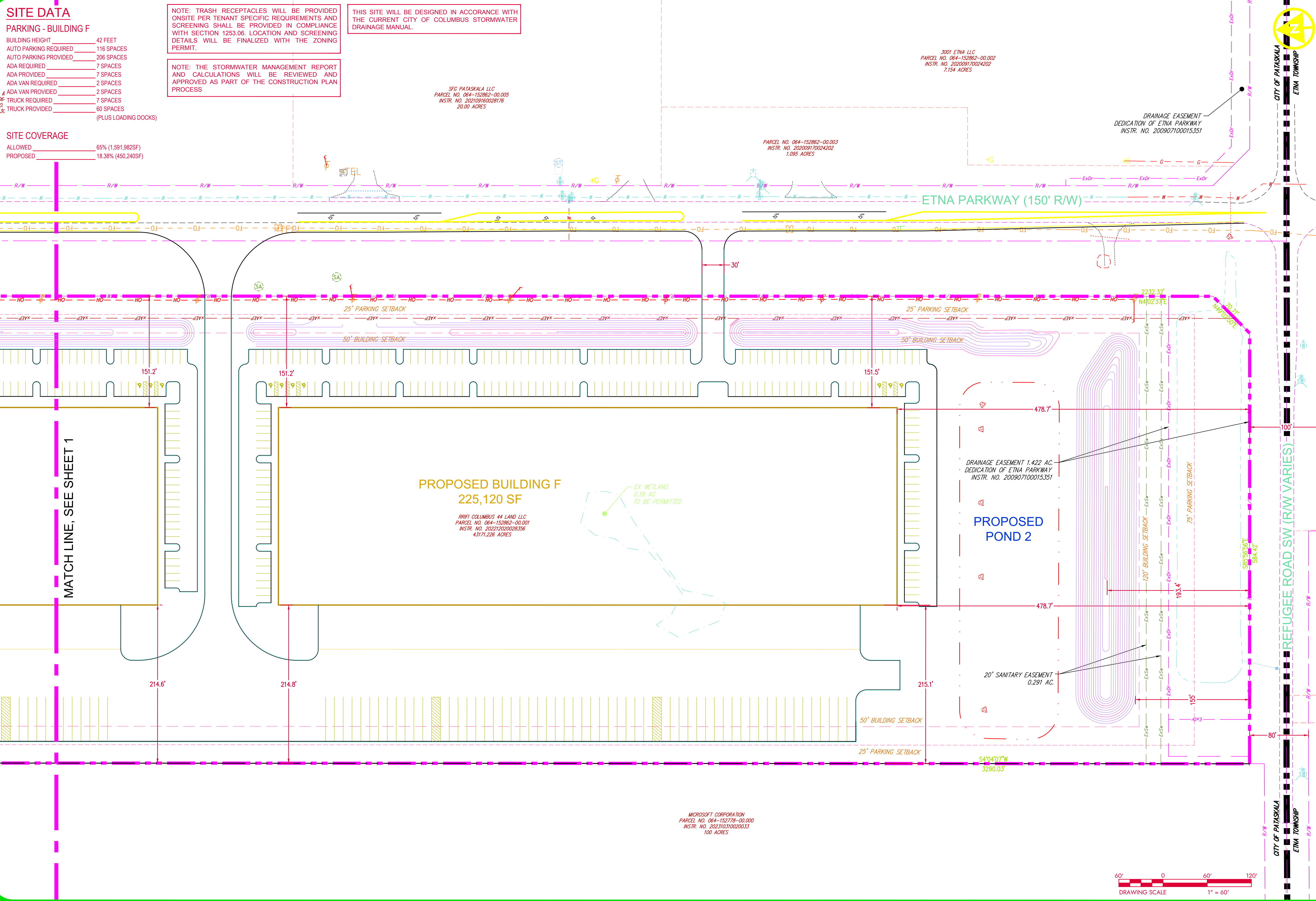
SFG PATASKALA LLC
PARCEL NO. 064-152862-00.005
INSTR. NO. 202109160028176
20.00 ACRES

3001 ETNA LLC
PARCEL NO. 064-152862-00.002
INSTR. NO. 202009170024202
7.154 ACRES

PARCEL NO. 064-152862-00.003
INSTR. NO. 202009170024202
1.085 ACRES

RRF1 COLUMBUS 44 LAND LLC
PARCEL NO. 064-152862-00.001
INSTR. NO. 202212020028356
43171.226 ACRES

MICROSOFT CORPORATION
PARCEL NO. 064-152778-00.000
INSTR. NO. 202310310020033
100 ACRES



verdantas
PEOPLE FOCUSED FUTURE

1655 WEST MAIN STREET
NEWARK, OH 43055-9939
TEL. 740.344.5451
FAX. 614.960.0023

DESIGNED BY:	AES
DRAWN BY:	WRM
CHECKED BY:	AES
PROJECT NO.:	17038
CHK'D BY:	
DATE:	
REVISION:	
No.	

CITY OF PATASKALA ~ LICKING COUNTY ~ OHIO
RED CHIP 2B
PMD ZONING PLAN
VARIANCE EXHIBIT

APPLICATION NO.:	
DATE:	2024.04.12
SCALE:	1" = 60'
SHEET:	2



Z:\project\files\pqr-z\redchip\17038 - red chip\plans\ib - bldgs e & f\variance\17038_variance.exhibiting

DESCRIPTION APPROVED
JARED N. KNERR
LICKING COUNTY ENGINEER
APPROVED BY
JM 12-02-22

TRANSFERRED
Date December 2, 2022
Manda Smt
Licking County Auditor
SEC. 319.202 COMPLIED WITH
MICHAEL L. SMITH, AUDITOR
BY: 799066100



202212020028356

Pgs:6 \$66.00 T20220030927
12/2/2022 10:32 AM MEPFIDELITY N
Bryan A. Long Licking County Recorder

GENERAL WARRANTY DEED

HOWARD P. EMSWILER, TRUSTEE OF THE HOWARD P. EMSWILER REVOCABLE TRUST U/A DATED DECEMBER 27, 1978, AS AMENDED, and ROSEMARY A. EMSWILER, TRUSTEE OF THE ROSEMARY A. EMSWILER REVOCABLE TRUST U/A DATED DECEMBER 27, 1978, AS AMENDED, of Licking County, Ohio ("**Grantor**") for valuable consideration paid, grants, with general warranty covenants, to RRIFI COLUMBUS 44 LAND, LLC, a South Carolina limited liability company, ("**Grantee**") whose tax-mailing address is c/o Red Rock Investment Partners, LLC, 1201 Main Street, Suite 2360, Columbia, South Carolina 29201, the real property located in Licking County, Ohio, more particularly described on the attached Exhibit "A" (the "**Property**")

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said Property belonging, or in anywise incident or appertaining, and all right, title and interest of Grantor, if any, in and to any rights of way adjoining said Property and in and to any gaps or gores between the boundaries of the Property and any other adjoining lands or rights of way.

TO HAVE AND TO HOLD, subject to the Permitted Exceptions (defined below), all and singular, the said Property and foregoing premises herein granted unto the said Grantee, its successors and assigns in fee simple forever.

This conveyance is made subject to the following ("**Permitted Exceptions**") (i) covenants, restrictions, conditions and easements that were of record in the Office of the Licking County Recorder, Licking County, Ohio, as of April 15, 2022 at 6:59 a.m., to the extent currently affecting the Property without re-imposing same by this instrument, but free of any mortgages, deeds of trust or other monetary encumbrances and free of any rights of tenants in possession (Grantor confirming that no tenants are in possession or have a right of possession as of the date of this deed); (ii) existing legal highway rights of way, if any; (iii) zoning ordinances; and (iv) taxes and assessments for calendar year 2022, not yet due and payable.

FIDELITY TITLE INSURANCE CO.
ORDER NO. 2253610096

[Signature on Next Page]



0115PA00800000093000

Executed this 23rd day of November, 2022.

Howard P. Emswiler Trust

HOWARD P. EMSWILER, TRUSTEE OF THE
HOWARD P. EMSWILER REVOCABLE TRUST
U/A DATED DECEMBER 27, 1978, AS
AMENDED

(SEAL)

STATE OF OHIO)
) SS:
COUNTY OF LICKING)

BEFORE ME, a Notary Public in and for said county and state, personally appeared HOWARD P. EMSWILER, who acknowledged that he is the TRUSTEE OF THE HOWARD P. EMSWILER REVOCABLE TRUST U/A DATED DECEMBER 27, 1978, AS AMENDED, and that he did execute the foregoing instrument as his free act and deed and that no oath or affirmation was administered to the signor.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal as of this 4 day of November, 2022.



W. SCOTT HAYES, Attorney at Law
Notary Public, State of Ohio
My Commission Has No Expiration Date
Section 147.03 R.C.

W. Scott Hayes

Notary Public for Ohio

Print Name:

Commission expires: N/A

[NOTARY SEAL]

Rosemary A. Emswiler - Trust
ROSEMARY A. EMSWILER, TRUSTEE OF THE
ROSEMARY A. EMSWILER REVOCABLE
TRUST U/A DATED DECEMBER 27, 1978, AS
AMENDED

(SEAL)

STATE OF OHIO)
) SS:
COUNTY OF LICKING)

BEFORE ME, a Notary Public in and for said county and state, personally appeared ROSEMARY A. EMSWILER, who acknowledged that she is the TRUSTEE OF THE ROSEMARY A. EMSWILER REVOCABLE TRUST U/A DATED DECEMBER 27, 1978, AS AMENDED, and that she did execute the foregoing instrument as her free act and deed and that no oath or affirmation was administered to the signor.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal as of this 4 day of November, 2022.

[Signature]
Notary Public for Ohio



W. SCOTT HAYES, Attorney at Law
Notary Public, State of Ohio
My Commission Has No Expiration Date
Section 147.03 R.C.
Print Name: _____
Commission expires: n/a
[NOTARY SEAL]

This document has been prepared by: Durham T. Boney, Esquire, Burr & Forman LLP, PO Box 11390, Columbia, SC 29211.

EXHIBIT "A"

DESCRIPTION FOR A 43.171 ACRE TRACT

(see attached)

DESCRIPTION FOR A 43.171 ACRE TRACT

Situated in the State of Ohio, County of Licking, City of Pataskala, being part of Lots 16 and 17 of the 4th Quarter, Township 1, Range 15, of the United States Military Lands, also being part of a 56.226 acre tract (Parcel Number 064-152862-00.001) as conveyed to Rosemary A. Emswiler, Trustee of the Rosemary A. Emswiler Revocable Trust U/A dated December 27, 1978 as amended, in Instrument Number 200507140021372, all references being to those of record in the Recorder's Office of Licking County, Ohio said 43.171 acre tract being more particularly bounded and described as follows:

Beginning at an 5/8" rebar found with cap "Central OH" at the intersection of the westerly right-of-way line of Etna Parkway (150' right-of-way) as dedicated in Instrument Number 201801290001908, and the westerly line of Lot 16;

Thence along the westerly right-of-way of said Etna Parkway the following four (4) courses:

South 44°45'34" East, 387.86 feet, to an iron pin set;

Along the arc of a curve to the right (**Radius = 1000.00 feet, Arc Length = 851.78 feet, Delta = 48°48'11"**) a chord bearing and distance of **South 20°21'28" East, 826.26 feet, to an iron pin set;**

South 4°02'37" West, 2232.32 feet, to an iron pin set;

South 49°02'50" West, 70.71 feet, to an iron pin set, being the northerly right-of-way line of Refuge Road (right-of-way varies);

Thence along the northerly right-of-way of said Refuge Road, **North 85°56'56" West, 584.42 feet, to point in the easterly line of a 100 acre tract (Parcel Number 064-152778-00.000) as conveyed to Ronald E. Kissell ETAL in Official Record 801 at Page 559, said point being referenced by 5/8" rebar found at South 4°03'54" West, 20.00 feet;**

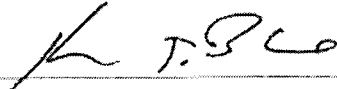
Thence along the easterly line of said 100 acre tract, and the westerly line of Lots 16 and 17, **North 4°03'54" East, 3290.15 feet, to the Point of Beginning and containing 43.171 acres, more or less, according to a survey made by Verdantas in September of 2022.**

The bearings of the above description are based on the Ohio State Plane Coordinate System, South Zone, NAD 83.

All iron pins set are 5/8-inch diameter rebar by 30-inch length with red identification caps marked "VERDANTAS, 7830".

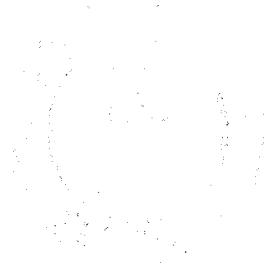
Subject to all valid and existing easements, restrictions and conditions of record.

September 22, 2022



Kevin T. Blaine, P.S.
Surveyor No. 7830

PRE-APPROVAL	
LICKING COUNTY ENGINEER	
<input checked="" type="checkbox"/> APPROVED	<input type="checkbox"/> CONDITIONAL
APPROVED BY:	<i>[Signature]</i>
DATE:	9/29/22



Prior Deed Reference: Instrument No. 202210060024280, Instrument No. 200507140021370 and 200507140021372, Recorder's Office, Licking County, Ohio.

Also known as: 43.171 acres, Etna Parkway, Pataskala, Ohio 43062

Auditor's Parcel Number: Portion 064-152862-00.001 (Parent Parcel)

Area Map

